

IN SENATE OF THE UNITED STATES.

FEBRUARY 24, 1846.

Submitted, and ordered to be printed.

Mr. PENNYBACKER made the following

REPORT:

The Committee of Claims, to whom was referred the memorial of James L. Sawyer, "praying compensation for additional duties performed by him in the office of the collector of the port of New York, in 1844 and 1845," have had the same under consideration, and report :

The committee are satisfied that the extra services for which the memorialist now claims compensation were well performed, and that he prepared the duplicate copy of the ex-collector's official correspondence in such a manner as to meet the approbation of the collector. They are also assured that the service thus rendered, was performed after and before office hours, (as they are termed,) and without any interference with the regular duties of his desk ; but it appears to them that the case comes within the spirit, if not the letter, of the act of 1839, which prohibits the payment of extra compensation to all officers of the government whose salaries are fixed by law and regulation. The salary of the memorialist was not fixed by *express law*, (being left to the discretion of the collector, with the assent of the Secretary of the Treasury,) and might, therefore, have been increased by the collector at the time, had he thought proper to do so, to such an amount as would have covered the services in question. The collector did not, however, for some cause or other, order the increase, and, therefore, the salary remained unchanged, or under the previous regulation. This being the case, the committee think it would be setting a bad precedent to grant an additional allowance where the officer, who had a full view of all the circumstances, has failed to exercise the discretion vested in him in favor of the memorialist. The object of leaving certain salaries discretionary, was evidently to enable collectors, by and with the consent of the Secretary of the Treasury, to graduate compensations according to the services required at the time being, of which Congress can, of course, have no adequate knowledge.

The committee do not think the claim should be allowed, and report the following resolution :

Resolved, That James L. Sawyer is not entitled to relief.

Ritchie & Heiss, printers

IN SENATE OF THE UNITED STATES.

The Committee of Claims, to whom was referred the memorial of James L. Sawyer, "praying compensation for additional duties performed by him in the office of the collector of the port of New York in 1834 and 1835," have had the same under consideration, and report:

The committee are satisfied that the extra services for which the memorial now claims compensation were well performed, and that he prepared the duplicate copy of the ex-collector's official correspondence in such a manner as to meet the approbation of the collector. They are also assured that the service thus rendered was performed after and before office hours (as they are termed) and without any interference with the regular duties of his desk; but it appears to them that the case comes within the spirit if not the letter of the act of 1833, which prohibits the payment of extra compensation to all officers of the government whose salaries are fixed by law and regulation. The salary of the memorialist was not fixed by express law (being left to the discretion of the collector, with the assent of the Secretary of the Treasury) and might, therefore, have been increased by the collector at the time, had he thought proper to do so, to such an amount as would have covered the services in question. The collector did not, however, for some cause or other, order the increase, and, therefore, the salary remained unchanged, or under the previous regulation. This being the case, the committee think it would be setting a bad precedent to grant an additional allowance where the officer, who had a full view of all the circumstances, has failed to exercise the discretion vested in him in favor of the memorialist. The object of leaving certain salaries discretionary was evidently to enable collectors, by and with the consent of the Secretary of the Treasury, to graduate compensations according to the services required at the time being, of which Congress can, of course, have no adequate knowledge.

The committee do not think the claim should be allowed, and report the following resolution:

Resolved, That James L. Sawyer is not entitled to relief.
Nathan A. Phelps, printer.